

MINUTES of the Special Meeting of
the City Council of the City of Rye held in
City Hall on March 29, 2000 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN CUNNINGHAM
ROBERTA DOWNING
ROBERT H. HUTCHINGS
ROSAMOND LARR
DOUGLAS MCKEAN
ARTHUR STAMPLEMAN
Councilmen

ABSENT:

NONE

1. Pledge of Allegiance

Mayor Otis invited the audience to join the council in the Pledge of Allegiance.

2. Roll Call

Mayor Otis called the meeting to order; a quorum was present to conduct official city business.

3. Residents may be heard who have matters to discuss that do not appear on the agenda

There were no residents wishing to address the council on matters that did not appear on the agenda.

Mayor Otis announced the Rye Town Park Commission successfully obtained state legislation to extend the lease for the food concession at Rye Town Park from three to seven years. The goal was to provide an incentive for the operator of the restaurant to make capital improvements and have sufficient time to recoup the investment. He noted that there were four respondents to the Request for Proposal. The Mayor was pleased to inform the council that Mr. John Ambrose and his partner, owners of the Crab Shanty, were awarded a seven-year contract for the concession. Mayor Otis said that Mr. Ambrose promises to have a family-type atmosphere for the new restaurant with an emphasis on seafood. The tentative opening date is May 15, 2000.

Councilman McKean commended the Rye Town Park Commission for producing an excellent contract. He said Mr. Ambrose's proposed improvements will make the new restaurant an inviting and open place for dining.

The Mayor commended and expressed his appreciation to Councilman McKean, Monroe Mann, Esq., and Richard Runes, Esq. for all their hard work in this successful endeavor.

4. Discussion of Wetlands Reserve Program (WRP) for Beaver Swamp Brook

Mayor Otis acknowledged the February 24, 2000 letter from Mr. Richard D. Swenson, State Conservationist of the United States Department of Agriculture (USDA), his own memorandum dated March 24, 2000, and the document from The USDA Natural Resources Conservation Service (NRCS) on the Wetlands Reserve Program.

Mayor Otis apprised the council that once again, Congresswoman Nita Lowey was instrumental in arranging the second \$250,000 Beaver Swamp Brook (BSB) grant. Both the first and second BSB grants are administered by the NRCS. The first grant was restricted to technical studies or planning, rather than implementation. Having inquired whether or not this grant could be used for implementation, the NRCS sent a team to the site to review its eligibility for the Wetland Reserve Program. NRCS decided that Beaver Swamp Brook project is now eligible. However, there are a number of conditions and choices that are a part of the program. Ms. Laura Tessier, former Director of Environmental Planning, who was asked to review all relevant materials for eligibility, determined that the city should proceed with the Wetland Reserve Program. NRCS will pay for the wetland restoration costs on municipally owned property at the Beaver Swamp Brook site depending upon the category of participation. These categories are as follows:

1. permanent easement, 75-100% of costs covered,
2. 30-year easement, or
3. restoration cost share agreements, 50-75% of costs covered.

The Mayor said that this support would be in addition to the technical assistance funds secured by Congresswoman Lowey. Those funds would still be available for additional study work, if necessary. The city will not know what is required until the Project Impact Task I work is completed and the Brownsfields study, funded through the New York State Department of Environmental Conservation, is completed by Harrison.

The Mayor expressed the hope that the city's flood control goals are not hindered by participating in this program. Ms. Tessier indicated that the city's goals are consistent with the WRP program goals. As a DEC wetland, the City is already governed by rules on the site similar to the WRP program. Also, the brook elevation will not allow flood mitigation beyond what would be acceptable under the program. The HARZA Project Impact Task I study results will be completed before the

WRP enrollment process is completed so that any contradictory information would be available before the city is enrolled. The Mayor said he has also discussed the city's problem with sediment build-up under the bridges with Mr. Richard Swenson, state conservationist. Mr. Swenson does not view this as a problem.

The following points were discussed:

- three categories of easement,
- better flow of water by removing sediment under the bridges,
- Harrison's need to remove illegal fill,
- prevention of further illegal dumping,
- wetlands preservation,
- flood control,
- partnership with a federal agency,
- completion of the HARZA engineering study,
- possible hidden costs, and
- creating parkland from the property around the swamp for flood mitigation.

There was no action on this particular matter. Mayor Otis requested that this item be placed on the agenda for the April 5, 2000 council meeting.

5. Consideration of request to construct an 18-inch high stone retaining wall within the area of the city owned right-of-way near 80 Davis Avenue and authorization for the Interim City Manager to enter into a license agreement with Grace Associates LLC for this purpose

Mayor Otis acknowledged Corporation Counsel Neale's March 16, 2000 memorandum regarding approval of a license agreement that would allow construction of an 18-inch high stone retaining wall within the area of the city owned right-of-way near 80 Davis Avenue.

Interim City Manager Christopher J. Bradbury referred to a memo from the City Engineer recommending approval to build this retaining wall.

It was noted that the council did not receive a copy of the Engineer's memorandum and plans for the proposed wall. The Interim City Manager will distribute this information to the council in the next packet.

Councilman Stampleman indicated that a stone wall already exists at that location. He was concerned that the construction may have already been completed.

Mayor Otis requested that the Interim City Manager refer this to the city staff to clarify if the wall has already been erected. There will be further discussion of this at the next city council meeting.

6. Authorization for the City Clerk to request a waiver of accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the disabled as an official polling place

Mayor Otis acknowledged the City Clerk's March 1, 2000 memorandum requesting a waiver of accessibility requirements for Milton School Gymnasium which does not meet the accessibility standards for the disabled as an official polling place.

Councilman McKean noted that Milton School has a ramp for handicapped accessibility. However, he reported that it does not comply with Americans with Disabilities (ADA) standards. He suggested that the city advise the school administration about this situation.

Interim City Manager Bradbury informed the council that a handicapped voter has the option to change his/her polling place or obtain an absentee ballot from the Board of Elections when a polling place is inaccessible.

Mayor Otis will discuss this issue with Rye City School Superintendent, Dr. Edward Shine.

Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Clerk is hereby authorized to request a waiver of accessibility requirements for the Milton School Gymnasium which does not meet the accessibility standards for the disabled as an official polling place.

7. Approval of the election of new members to the Rye Fire Department

Mayor Otis acknowledged the March 15, 2000 letter from Mr. John Paul Rodrigues, Jr., secretary of the Rye Fire Department, announcing new memberships in the Poningoe Hook & Ladder Company.

Councilwoman Downing made a motion, seconded by Councilwoman Cunningham and unanimously carried, to approve the appointment of Mr. George E. Rizzo of 15 Winthrop Street, and Mr. Erich H. Schmidt of 37 High Street, for membership in the Poningoe Hook & Ladder Company.

8. Resolution cancelling the regular meeting of the City Council scheduled for April 19, 2000

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to cancel the regular meeting of the City Council scheduled for April 19, 2000.

9. Schedule regular meeting of the City Council held annually at the Square House for May 3, 2000

Councilman Stampleman made a motion, seconded by Councilwoman Larr and unanimously carried, to schedule the regular meeting of the City Council held annually at the Square House for May 3, 2000.

10. Consideration of request of Christ's Church to close Rectory Street to traffic on Sunday, April 16th, and Sunday, April 23, 2000, between the hours of 9:00 A.M. and 2:00 P.M.

Mayor Otis acknowledged the March 13, 2000 letter from The Reverend Marsha Bacon Glover of Christ's Church requesting that Rectory Street be closed to traffic on Sunday, April 16th, and Sunday, April 23, 2000, between the hours of 9:00 A.M. and 2:00 P.M. and the March 16, 2000 memorandum from Lt. Robert Falk of the Rye Police Department approving the closure of Rectory Street.

Councilwoman Downing made a motion, seconded by Councilman Hutchings and unanimously carried, to approve the request of Christ's Church to close Rectory Street to traffic on Sunday, April 16th, and Sunday, April 23, 2000, between the hours of 9:00 A.M. and 2:00 P.M.

11. Consideration of the request of the School of the Holy Child to use city streets for a three-mile "Fun Run" on Monday, May 1st, with a rain date of Friday, May 5, 2000

Mayor Otis referenced the March 9, 2000 letter from Ms. Jennifer Swanson, Director of Publications & Public Relations from the School of the Holy Child, requesting use of the city streets.

Councilman Hutchings made a motion, seconded by Councilwoman Downing and unanimously carried, to approve the request of the School of the Holy Child to use city streets for a three-mile "Fun Run" on Monday, May 1st, with a rain date of Friday, May 5, 2000.

12. Consideration of the request of the Recreation Department to use City Hall and the Village Green for the Annual Pops Concert on Sunday, June 25, 2000

Mayor Otis referenced the March 24, 2000 memorandum from Kevin Cook, Senior Recreation Leader, Rye Recreation Department, requesting use of City Hall and the Village Green.

Councilwoman Cunningham made a motion, seconded by Councilwoman Larr and unanimously carried, to approve the use of City Hall and the Village Green for the Annual Pops Concert on Sunday, June 25, 2000.

13. Miscellaneous communications and reports

A. Councilwoman Cunningham informed the Council that she and Mrs. Marian Shea, representative of the Rye Interfaith Housing Corp., made a presentation on the taxi voucher system for senior citizens to the owners of Rye taxicab companies on March 23, 2000. The taxi owners unanimously agreed to honor the taxi vouchers. Councilwoman Cunningham said that an agreement will be drafted and the program will commence May 1, 2000. A discussion focused on increasing the taxi fares. She expressed appreciation to City Clerk Conrad for obtaining taxi rates from other communities. This information will be used to compare the City of Rye's rates with those of other municipalities.

B. Councilwoman Larr acknowledged correspondence dated March 22, 2000 from residents on Hillcrest Lane expressing concern about the manner and number of Rye High School students who are parking on their street. She said the residents have requested parking restrictions which would limit parking on Hillcrest Lane to one or two hours from 8:30 A.M. to 6:30 P.M., Monday through Friday, during the school year. This issue will be referred to the Traffic and Transportation Committee, the City Engineer, and the Police Department for review and comments.

14. Old Business

A. Councilman Hutchings apprised the council that Mr. John Gregg, chairman of the Rye Cable Television Committee, is actively working with Cablevision of Westchester to reverse its decision to realign the cable channels. He said he does not want to release the pressure on Cablevision and expressed the hope that municipal corporation counsels would work together on this matter.

A brief council discussion focused on subscribers' inability to get the PEG channels, Cablevision's assistance in providing boxes to access these channels, and the current franchise agreement.

The council requested that Corporation Counsel Neale review the city's franchise agreement and report his findings at the next council meeting.

B. Councilwoman Larr commended Ms. Nicole Levitsky and Mr. James Kenny for giving her the opportunity to interview Mr. Robert Brown, a life-long resident and former postal worker on *Eye on Rye*.

C. Councilman McKean suggested that the City Council Chambers be better ventilated because of the heat generated by the cable lights.

D. Councilman Stampleman said he will be unable to attend the joint meeting of the City Council and the Rye City School Board on April 8, 2000. He suggested placing the issue of stadium lighting on the agenda for that meeting.

Interim City Manager Bradbury will prepare an agenda for this joint meeting which will be circulated in the Friday packet.

15. New Business

A. Mayor Otis referenced the March 16, 2000 letter from Attorney General Eliot Spitzer suggesting municipalities in New York State encourage gun manufacturers to operate responsibly. The Attorney General suggested that the city participate in a purchasing agreement to award firearm contracts to those companies willing to abide by the principles in the Code of Conduct recommended by the State.

Interim City Manager Christopher J. Bradbury will work with the Acting Police Commissioner Joseph Verille and Fire Chief George Ballantoni on this matter.

B. Councilman Stampleman toured the Recreation facilities on Saturday, March 25. He apprised the council that the Rye Recreation Commission will present the Master Plan at the April 5, 2000 council meeting.

C. Councilman Stampleman said that the green waste program was scheduled to begin on May 1, 2000. A sample paper bag will be given to residents with educational materials about the program and information about where additional bags may be purchased. The City Manager advised that it was delayed because of logistic issues.

D. Councilman Stampleman acknowledged the March 21, 2000 letter from Mr. Hugh J. Greechan, Director of Civil Design, Westchester County Department of Public Works, regarding Midland Avenue. Mr. Greechan stated that the pavement markings and associated roadwork at the intersection of

Midland Avenue, the I-95/287 ramp, the Marriott, and Cottage Place are still under the maintenance responsibility of Home Depot, Inc.

Councilman McKean said that the new signage is too large for that intersection.

E. Councilwoman Larr initiated a discussion on the form used for those who wish to address the council on matters that do not appear on the agenda.

Mayor Otis acknowledged Councilman Stampleman's suggested change for the form.

This matter was tabled to the next council meeting.

F. Councilman Stampleman noted that he and other council members attended a public meeting on the proposed lighting for Nugent stadium at Rye High School. He said several residents voiced the following pros and cons about the stadium lighting.

Pros

- Since playing fields are inadequate, there will be improved utilization of existing fields.
- There will be more support at the night games.
- There is a need for more family events.
- Rye Recreation has had no problem with its night lights.

Cons

- Lights will have a significant impact on the view from the Boston Post Road.
- Property values will decrease.
- There will be a cost to the community at large.
- There will be a need for liability insurance.
- It is not necessary to have night football.
- The cost will come out of education money.
- This issue will divide the community.

16. Adjournment

Councilman Hutchings made a motion, seconded by Councilwoman Cunningham and unanimously carried, to adjourn to executive session at 9:15 P.M. to discuss Home Depot issues and personnel matters.

The Council reconvened at 10:35 P.M.

There being no further business to discuss, Councilman Stampleman made a motion, seconded by Councilwoman Downing and unanimously carried, to adjourned the meeting at 10:40 P.M.

Respectfully submitted,

Alice K. Conrad
City Clerk